

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

LUCAS B. HORTON,

Plaintiff,

V.

SUNPATH, LTD.,

Defendant.

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No. 3:23-cv-631-E-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court therefore **ORDERS** the following:

- Plaintiff Lucas B. Horton's motions for default judgment [Dkt. Nos. 39 & 40] are **DENIED WITHOUT PREJUDICE**;
- Defendant SunPath, Ltd.'s Special Appearance [Dkt. No. 1-9] and Original Answer, Subject to Defendant's Special Appearance [Dkt. No. 1-11] are **STRICKEN**;
- SunPath is in **DEFAULT**;
- **The Clerk of Court is DIRECTED TO ENTER default against SunPath pursuant to Federal Rule of Civil Procedure 55(a); and**

- Horton may, by no later than a date 30 days from the date of entry of this order, move for default judgment against SunPath for failure to appear by and through counsel.

SO ORDERED this 10<sup>th</sup> day of May, 2024.

A handwritten signature in black ink, appearing to read 'Ada Brown', is written over a horizontal line.

ADA BROWN  
UNITED STATES DISTRICT JUDGE